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The Honorable Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Re: Ex Parte No. 646 (Sub-No. 1) Simplified Standards for Rail Rate Cases

Dear Secretary Williams:

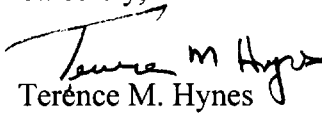
Canadian Pacific Railway Company and its U.S. subsidiaries, Soo Line Railroad Company and Delaware and Hudson Railway Company, Inc., (collectively "CPR") hereby object to the requests submitted by the National Industrial Transportation League ("NITL") on September 13, 2006, and by Arkansas Electric Cooperative Corporation ("AECC") on September 15, 2006, for access to certain workpapers underlying the Board's July 28, 2006 Decision in the above-captioned proceeding.

CPR agrees with BNSF Railway Company ("BNSF") that NITL and AECC should not be permitted to circumvent the regulations governing access to the Board's Carload Waybill Sample (set forth at 49 C.F.R. § 1244.9) by seeking access to Waybill data pursuant to a "workpaper" request. In particular, to the extent that the information requested by NITL and AECC includes "unmasked" carrier revenue data, the Board's regulations make no provision for the release to any class of user of "unmasked" revenues, or the "masking factors" used by individual railroads in reporting waybill information to the Board. Finance Docket No. 33388, *CSX Corp. and CSX Transportation, Inc., Norfolk Southern Corp. and Norfolk Southern Railway Co.—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corp.* (Decision No. 42, served October 3, 1997) at 7, n.24. To the contrary, "[t]he Surface Transportation Board's long standing policy is that the unmasked revenues and the specific masking factors . . . are highly confidential, for internal Board use only, and not to be released to waybill users." See Letter dated February 4, 2005 from M. Redisch (acting Director) to C. M. Loftus (denying access to unmasked revenue data in connection with pending rate cases) (emphasis added); *Waybill Request WB972*, Letter dated June 8, 2005 from L. Gardner (Director) to P. Hemmersbaugh at 1 (granting access to "only masked revenues, in conformance with standard procedures in STB waybill releases").

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The Board has never (to CPR's knowledge) authorized the release of unmasked revenues, or an individual carrier's revenue masking factors, in response to a request under 49 C.F.R. § 1244.9. It should not do so in response to the "workpaper" requests submitted by NITL and AECC.

Sincerely,



Terence M. Hynes

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